

Town clerk

IWC Special Meeting Minutes October 23, 2012 1/7

**Inland Wetlands Commission (IWC)
Minutes - Special Meeting
Tuesday, October 23, 2012, 7:00 PM
Third Floor, Council Chambers
Memorial Building, Town Hall
14 Park Place
Rockville / Vernon, CT**

**RECEIVED
VERNON TOWN CLERK
12 NOV 26 PM 4: 15**

1. Call to Order & Roll Call

- ◆ Meeting was called to order at 7:00 P.M.
- ◆ Regular Members Present: **Mark Kalina, Frank Galat, Ronald Kane, Lynda Morhardt and Jeffrey Pescosolido.**
- ◆ Alternate members Present: **None**
- ◆ Staff Present: **Leonard Tundermann, Town Planner, Craig Perry, Inland Wetlands Agent**
- ◆ Recording Secretary: **James Krupienski**

2. Administrative Actions

2.1 Communications received not related to Agenda items.

- ◆ **2012 Municipal Inland Wetlands Commissioners Training Program, Segment 3.**
- ◆ **Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. (CACIWC) 35th Annual Meeting and Environmental Conference.**
- ◆ **Connecticut Wildlife Magazine, September/October 2012.**

2.2 Approval of Minutes.

- ◆ **Ronald Kane, seconded by Mark Kalina moved a motion to Approve the Regular Meeting Minutes of September 25, 2012, as amended during discussion. Motion carried unanimously**

2.3 Call for filing(s) of Intervener petition(s) and determination of status.

- ◆ **None**

3. Public Hearing:

3.1 Application [IWC-2012-08] of Bolton Lakes Regional Water Pollution Control Authority (WPCA) for a wetlands permit for the installation of sewers in Phase 5 in Vernon.

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the record.**

***Legal Notice
Town of Vernon***

The Vernon Inland Wetlands Commission (IWC) will hold the following hearing at its regular meeting to be held at 7:00 PM, Tuesday, October 23, 2012 in the Council Chambers on the Third Floor of the Vernon Town Hall, 14 Park Place, Vernon, CT. 06066.

Application [IWC-2012-08] of Bolton Lakes Regional Water Pollution Control Authority (WPCA) for a wetlands permit for the installation of sewers in Phase 5 in Vernon.

***Mark Kalina, Chairman
Inland Wetlands Commission***

♦ **Marshall Gaston & Joyce Cheng, Fuss & O'Neill Associates, John Ianni, Soil Scientist:**

- Reviewed four proposals that were discussed prior to implementation:
 1. Do not build – not accepted because of environmental concerns:
 2. Proposed line would hug the lake shore, discounted because it would only handle half of the homes in the area:
 3. Designed similar to Proposal 4 but with direct line to existing septic tanks to main sewer line, discounted due to conflict with North Central District Health Department (NCDHD) regulated distances to area wells:
- Proposal 4:
 - Sheet PL-501:
 - Start of project area at Camp Newhocca on Grier Road;
 - Construction within the upland review area;
 - Erosion & Sediment Control measures proposed in construction area;
 - Installed sewer piping to follow existing roadway.
 - Sheet PL-503:
 - Wetland areas in proposed construction area;
 - No impact to the existing wetlands;
 - Installed sewer piping to follow existing roadway;
 - Erosion & Sediment Control measures proposed in construction area;
 - Sheet PL-504:
 - Extensive wetlands in the area of construction to be protected by Erosion & Sediment Control measures
 - Additional silt fencing with hay bales to protect wetland areas.
 - Sheet PL-505:
 - Causeway area on Hatch Hill would utilize underwater horizontal drilling;
 - DEEP has reviewed supplied a preliminary approval of the installation process;
 - Silt fencing installed around proposed grinder pumps;
 - Sheet PL-506:
 - Lakeview area sewer pipe installation to follow the existing roadway to all properties;
 - Erosion & Sediment Control measures proposed in construction area;
 - Existing homes are existing within the 100' regulated area and will be monitored;
 - Grinder pumps will be forced closer to the lake to protect existing wells in the area;
 - Sheet PL-507:
 - Continued installation in Wildwood Road area;
 - Sheet PL-508:
 - Sewer pip installation would follow the existing roadway;
 - Erosion & Sediment Control measures would be used during grinder pump installations;
 - Erosion control blankets may be utilized for additional protection.
 - Sheet PL-509:
 - Final section of the Wildwood neighborhood;
 - Sewer pipe installation would continue to follow the existing roadway;

♦ **Lynda Morhardt questioned leach field outline shown on Sheet PL-501.**

- ◆ Marshall Gaston indicated that it was an existing septic that would remain and would have grinder pumps connected to it.
- ◆ Lynda Morhardt questioned labeling of presented plan as “Not For Construction” and what could be expected from the final plans.
- ◆ Marshall Gaston indicated that the funding agencies would review and revise based on comments prior to the Final Construction Plans.
- ◆ Jeffrey Pescosolido questioned the maintenance schedule regarding erosion control measures during construction and improvements learned from prior phases.
- ◆ Marshall Gaston outlined the daily reviews that take place during construction to alleviate issues and create action plans if necessary.
- ◆ Mark Kalina questioned if a staging area had been determined for the Phase 5 construction area.
- ◆ Marshall Gaston indicated that no staging area has been designated. Project installer would be required to apply for any permits necessary if storage was within a regulated area.
- ◆ Jeffrey Pescosolido requested review of community wells in the area.
- ◆ Marshall Gaston has spoken with area homeowners and the North Central District Health Department (NCDHD) to alleviate any possible issues to community area wells.
- ◆ Staff Comments:
 - Craig Perry, IWC Agent questioned final action with existing septic tanks after construction is complete.
 - Marshall Gaston indicated that they would be pumped out, crushed and backfilled based on Health Code requirements after final connection to the sewer.
 - Craig Perry, IWC Agent questioned proximity of the proposed grinder pumps to the lake edge.
 - Marshall Gaston indicated that the DEEP has reviewed but the Health code has the final say in the placement.
 - Craig Perry, IWC Agent questioned potential for leakage from the grinder pumps.
 - Marshall Gaston indicated that the grinder pumps have a 70 gallon chamber, with a high level alarm for notification. Based on prior storm issues an additional notification sensor is being added to the control panels. WPCA will have backup generators to assist homeowners with evacuation of grinder pumps.
- ◆ Discussion took place regarding backup power option for evacuation of the installed grinder pumps.
- ◆ Mark Kalina questioned the procedure for possible spillage from the grinder pumps.
- ◆ Marshall Gaston indicated that the BLRWPCA would have on-call contractors based on the specific issue.
- ◆ Discussion took place regarding emergency evacuation period for grinder pumps through the use of emergency generators and the impact to the homeowners.
- ◆ Discussion took place regarding automated permitting process for abandonment of existing septic tanks after final connection.
- ◆ Public Comment (7:51 P.M.)
 - Charlie Piader, 24 Lakeview Drive:
 - Spoke to existing culverts along the roadways and possible impact during construction. Marshall Gaston indicated that they would be installing under the existing culvert.

- Questioned if generator power would be sufficient to evacuate the grinder pump during an outage. Marshall Gaston indicated that a single working pump would move waste through the existing line.
- Chris Malone, Grier Road:
 - Questioned if all houses would have grinder pumps. Marshall Gaston indicated that all home would have pumps.
 - Questioned if any of the previous Phases were active. Marshall Gaston indicated that Phase I is currently allowing for hookups to the system, Phase 2 may begin next Spring.
- Carl Prewo, Grier Road:
 - Questioned runoff control and roadway improvements after construction is completed.
- Marshall Gaston indicated that the Clean Water Fund will not fund roadway improvements.
- John Khairollloh, Grier Road:
 - Questioned Emergency Action Plan – possibility of completing evacuation with time constraints and if the Plan has been published for review. Marshall Gaston indicated that the WPCA was working on the Plan specifics and did not believe anything had been published yet.
 - Questioned impact to natural culverts along Grier Road and measures that would be taken to protect them. Marshall Gaston indicated that silt fencing and hay bales would be added during construction.
 - Questioned if decision of horizontal drilling is decided by the homeowner. Marshall Gaston indicated that the Contractor would decide based on each situation.
 - Questioned cost of the sentry module installation and purchase cost. Marshall Gaston indicated that the commission would handle the cost of the module the installation would be a cost of the homeowner.
- Paul Achilli, Wildwood Road:
 - Questioned what the homeowner needed to complete prior to construction begins. Marshall Gaston indicated that the homeowner would have no responsibility prior to construction.
 - Questioned estimated time to bring the full system online. Marshall Gaston indicated a possible estimated date of 2015.
- ♦ Rebuttal & Summation (8:19 P.M.):
 - Marshall Gaston:
 - Open to suggestions and improvements.
 - Flexible during installation and protection of the area.
- ♦ Public Hearing was closed at 8:20 P.M.
- ♦ Mark Kalina, seconded by Jeffrey Pescosolido moved a Motion that IWC-2012-08] of Bolton Lakes Regional Water Pollution Control Authority (WPCA) for a wetlands permit be approved with the stipulations that:
 - They maintain and work with the Professional Staff and the Wetlands Commission;
 - Make sure that the proper barriers and controls are in place;
 - Work with the neighborhood to ensure that concerns are addressed and satisfied.
- ♦ Motion carried unanimously.
- ♦ Five (5) minute recess at 8:22 P.M.
- ♦ Meeting reconvened at 8:30 P.M.

4. Discussion/Action/Additional Business

4.1 Receipt of Application:

- ◆ **None**

4.2 Status of Cease & Correct Orders.

Talcottville Mill, 47 Main Street

- ◆ **Craig Perry, Inland Wetlands Agent – No Updates.**

21 Terrace Drive

- ◆ **Craig Perry, Inland Wetlands Agent:**

- **Distributed letter to the Commission from Harold Cummings, Town Attorney, dated October 5, 2012 (Attachment);**
- **Spoke previously with the homeowners to contact a soil scientist to review the Wetland locations.**
- **Report was submitted by John Ianni and indicated that no wetlands were identified on the property.**
- **Suggested that the commission accept the report and remove the cease and correct order.**
- **Town Council had granted authority to the Inland Wetlands Commission regarding required re-plantings on the site (Town property).**

- ◆ **Ronald Kane questioned if updated maps were available for review.**

- ◆ **Craig Perry, IWC Agent indicated that GIS mapping is available in the file.**

- ◆ **Mark Kalina, seconded by Ronald Kane moved a Motion to Accept the Redesignation of Wetlands on property at 21 Terrace Drive per John Ianni's findings. Motion carried unanimously.**

- ◆ **Mark Kalina, seconded by Ronald Kane moved a Motion to remove the cease and correct order dated July 23, 2012. Motion carried unanimously.**

4.3 Wetlands Enforcement Officer — Report

- ◆ **Discussion took place regarding the Phoenix Street Bridge;**
 - **Town Engineer has attempted to contact the Contractor.**
 - **Will contact the Town Engineer for possible remedies.**

4.4 Inland Wetland Agent - Report

- ◆ **Proposed garage construction at 336 Merline Road with required wetlands flags and erosion control measures.**

5. Adjournment

- ◆ **Lynda Morhardt, seconded by Mark Kalina moved a motion to adjourn. Motion carried unanimously.**

- ◆ **Meeting adjourned at 8:59 P.M.**

**James Krupienski
Recording Secretary**

Attachment

October 5, 2012

**Via Certified Mail/Return Receipt Requested
and U. S. First Class Mail, Postage Prepaid**

Ghulam Sarwar
Hafiza Naheed
21 Terrace Drive
Vernon, CT 06066

**RE: Cease and Correct Order Dated July 23, 2012; Order of Immediate Remedy Dated
January 24, 2012; and Cease and Desist Order Dated January 26, 2012**

Dear Mr. Sarwar and Ms. Naheed:

I am the Town Attorney for the Town of Vernon.

Attached please find copies of a Cease and Correct Order dated July 23, 2012, an Order of Immediate Remedy dated January 24, 2012 and a Cease and Desist Order Dated January 26, 2012.

I also attach a copy of a wetland survey performed on your behalf by Mr. John P. Ianni, M.S. dated September 27, 2012. As indicated in Mr. Ianni's letter, it is his opinion that your property at 21 Terrace Drive, and your adjoining lot, do not contain wetlands' soils.

It is my understanding from Mr. Craig Perry, as Inland Wetlands Enforcement Officer, that Mr. Ianni's letter will be submitted to the Inland Wetlands Commission at its October 23rd meeting. At that time, Mr. Perry will be asking the Commission to accept Mr. Ianni's report and withdraw so much of the attached Cease and Desist Orders which refer to violations of the Inland Wetlands Regulations of the Town of Vernon.

Assuming that the Commission, at its meeting on October 23rd, votes to accept Mr. Ianni's report and revoke the Cease and Desist Orders insofar as a violations of Inland Wetlands Regulations are concerned, the issue of your clear-cutting and regrading Town owned land, as referenced in the Orders of January 24, 2012 and January 26, 2012, still remain to be resolved.

Attached please find two maps, one showing the portion of land owned by the Town of Vernon to the rear of your properties at Terrace Drive, together with a Planting Plan.

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On behalf of the Town of Vernon, therefore, in accordance with the detail on the 21 Terrace Drive map, you are hereby requested to do the following:

1. Remove existing debris and stumps from all Town property within 30 days.
2. Install erosion control along Northern property line within 10 days.
3. Regrade property to its original contour within 30 days.
4. Plant trees in accord with the attached Planting Plan.
5. Plant shrubs in accord with the attached Planting Plan.

In the event of any questions you may have regarding the work to be performed, and to ensure your compliance with the Town's Orders previously issued, your point-of-contact will remain Mr. Craig Perry, in his capacity as Senior Engineering Technician. Mr. Perry's phone number is 860-870-3638.

Sincerely yours,

Harold R. Cummings
Town Attorney
Town of Vernon

HRC:es
Enclosures

cc:	Craig Perry	- Inland Wetlands Enforcement Officer	(Via E-Mail Only)
		/Senior Engineering Technician	
	John Ward	- Town Administrator	(Via E-Mail Only)
	Jeff Schambach	- Tree Warden	(Via E-Mail Only)
	Mark Kalina	- Chair, IWC	(Via E-Mail Only)